

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:08CV573-03-W
(3:06CR391-W)**

CLARENCE ANTWAINE ADAMS,)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
 Respondent.)

)

ORDER

THIS MATTER is before the Court on the Petitioner's Application for a Certificate of Appealability, November 9, 2009 (Doc. No. 4.).

Petitioner filed a Motion to vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 on December 11, 2008. (Doc. No. 1.) This Court denied Petitioner's Motion to Vacate on December 17, 2008. (Doc. No. 2.) On November 9, 2009, Petitioner filed a Notice of Appeal and a Motion for Certificate of Appealability. On November 10, 2009, this Court transmitted the record to the Fourth Circuit Court of Appeals.

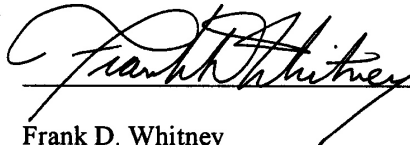
In light of the fact that Petitioner has filed a Notice of Appeal and a Motion for a Certificate of Appealability on the same day and the record has been forwarded to the Fourth Circuit Court of Appeals, this Court directs that, if it has not already been forwarded, that Petitioner's Application for Certificate of Appealability be transmitted as a supplement to the Fourth Circuit for consideration by that Court on conjunction with Petitioner's appeal.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Application for a Certificate of Appealability (Doc. No. 4) should be forwarded to the Fourth Circuit as a

supplement for consideration by the Fourth Circuit in conjunction with Petitioner's appeal of this Court's denial of his Motion to Vacate.

SO ORDERED.

Signed: November 20, 2009


Frank D. Whitney
United States District Judge

